

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.18 and by adding Section 4.28 as follows:

6 (5 ILCS 80/4.18)

7 Sec. 4.18. Acts repealed January 1, 2008 and December 31,
8 2008.

9 (a) The following Acts are repealed on January 1, 2008:

10 The Acupuncture Practice Act.

11 ~~The Clinical Social Work and Social Work Practice Act.~~

12 The Home Medical Equipment and Services Provider
13 License Act.

14 The Nursing and Advanced Practice Nursing Act.

15 The Illinois Speech-Language Pathology and Audiology
16 Practice Act.

17 The Marriage and Family Therapy Licensing Act.

18 The Nursing Home Administrators Licensing and
19 Disciplinary Act.

20 The Pharmacy Practice Act of 1987.

21 The Physician Assistant Practice Act of 1987.

22 The Podiatric Medical Practice Act of 1987.

23 The Structural Pest Control Act.

1 (b) The following Acts are repealed on December 31, 2008:

2 The Medical Practice Act of 1987.

3 The Environmental Health Practitioner Licensing Act.

4 (Source: P.A. 94-754, eff. 5-10-06; 94-1075, eff. 12-29-06;
5 94-1085, eff. 1-19-07; revised 1-22-07.)

6 (5 ILCS 80/4.28 new)

7 Sec. 4.28. Act repealed on January 1, 2018. The following
8 Act is repealed on January 1, 2018:

9 The Clinical Social Work and Social Work Practice Act.

10 Section 10. The Clinical Social Work and Social Work
11 Practice Act is amended by changing Sections 3, 5, 6, 9, 10.5,
12 11, 12.5, 14, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 32 and
13 by adding Section 7.3 as follows:

14 (225 ILCS 20/3) (from Ch. 111, par. 6353)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 3. Definitions: The following words and phrases shall
17 have the meanings ascribed to them in this Section unless the
18 context clearly indicates otherwise:

19 1. "Department" means the Department of Financial and
20 Professional Regulation.

21 2. "Secretary Director" means the Secretary Director of
22 Financial and ~~the Department of~~ Professional Regulation.

23 3. "Board" means the Social Work Examining and Disciplinary

1 Board.

2 4. "Licensed Clinical Social Worker" means a person who
3 holds a license authorizing the independent practice of
4 clinical social work in Illinois under the auspices of an
5 employer or in private practice.

6 5. "Clinical social work practice" means the providing of
7 mental health services for the evaluation, treatment, and
8 prevention of mental and emotional disorders in individuals,
9 families and groups based on knowledge and theory of
10 psychosocial development, behavior, psychopathology,
11 unconscious motivation, interpersonal relationships, and
12 environmental stress.

13 6. "Treatment procedures" means among other things,
14 individual, marital, family and group psychotherapy.

15 7. "Independent practice of clinical social work" means the
16 application of clinical social work knowledge and skills by a
17 licensed clinical social worker who regulates and is
18 responsible for her or his own practice or treatment
19 procedures.

20 8. "License" means that which is required to practice
21 clinical social work or social work under this Act, the
22 qualifications for which include specific education,
23 acceptable experience and examination requirements.

24 9. "Licensed social worker" means a person who holds a
25 license authorizing the practice of social work, which includes
26 social services to individuals, groups or communities in any

1 one or more of the fields of social casework, social group
2 work, community organization for social welfare, social work
3 research, social welfare administration or social work
4 education. Social casework and social group work may also
5 include clinical social work, as long as it is not conducted in
6 an independent practice, as defined in this Section.

7 10. "Address of record" means the address recorded by the
8 Department in the applicant's or licensee's application file or
9 license file, as maintained by the Department's licensure
10 maintenance unit.

11 (Source: P.A. 85-1440.)

12 (225 ILCS 20/5) (from Ch. 111, par. 6355)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 5. Powers and duties of the Department.

15 1. The Department shall exercise the powers and duties as
16 set forth in this Act.

17 2. The Secretary ~~Director~~ shall promulgate rules
18 consistent with the provisions of this Act for the
19 administration and enforcement thereof, and shall prescribe
20 forms which shall be issued in connection therewith.

21 3. In addition, the Department shall:

22 (a) Establish rules for determining approved undergraduate
23 and graduate social work degree programs and prepare and
24 maintain a list of colleges and universities offering such
25 approved programs whose graduates, if they otherwise meet the

1 requirements of this Act, are eligible to apply for a license.

2 (b) Promulgate rules, as may be necessary, for the
3 administration of this Act and to carry out the purposes
4 thereof and to adopt the methods of examination of candidates
5 and to provide for the issuance of licenses authorizing the
6 independent practice of clinical social work or the practice of
7 social work.

8 (c) Authorize examinations to ascertain the qualifications
9 and fitness of candidates for a license to engage in the
10 independent practice of clinical social work and in the
11 practice of social work, and to determine the qualifications of
12 applicants from other jurisdictions to practice in Illinois.

13 (d) Maintain rosters of the names and addresses of all
14 licensees, and all persons whose licenses have been suspended,
15 revoked or denied renewal for cause within the previous
16 calendar year. These rosters shall be available upon written
17 request and payment of the required fee.

18 (Source: P.A. 85-1131.)

19 (225 ILCS 20/6) (from Ch. 111, par. 6356)

20 (Section scheduled to be repealed on January 1, 2008)

21 Sec. 6. Social Work Examining and Disciplinary Board.

22 (1) The Secretary ~~Director shall~~ appoint a Social Work
23 Examining and Disciplinary Board consisting of 9 persons who
24 shall serve in an advisory capacity to the Secretary ~~Director~~.
25 The Board shall be composed of 5 licensed clinical social

1 workers, one of whom shall be a certified school social worker,
2 one of whom shall be employed in the private not-for-profit
3 sector and one of whom shall serve as the chairperson, two
4 licensed social workers, and 2 members of the public who are
5 not regulated under this Act or a similar Act and who clearly
6 represent consumer interests.

7 (2) Members shall serve for a term of 4 years and until
8 their successors are appointed and qualified. No member shall
9 be reappointed if such reappointment would cause that person's
10 service on the Board to be longer than 8 successive years.
11 Appointments to fill vacancies for the unexpired portion of a
12 vacated term shall be made in the same manner as original
13 appointments.

14 (3) The membership of the Board should reasonably reflect
15 representation from different geographic areas of Illinois.

16 (4) The Secretary ~~Director~~ may terminate the appointment of
17 any member for cause.

18 (5) The Secretary ~~Director~~ shall consider the
19 recommendation of the Board on all matters and questions
20 relating to this Act.

21 (6) The Board is charged with the duties and
22 responsibilities of recommending to the Secretary ~~Director~~ the
23 adoption of all policies, procedures and rules which may be
24 required or deemed advisable in order to perform the duties and
25 functions conferred on the Board, the Secretary ~~Director~~ and
26 the Department to carry out the provisions of this Act.

1 (7) The Board may ~~shall~~ make recommendations on all matters
2 relating to continuing education including the number of hours
3 necessary for license renewal, waivers for those unable to meet
4 such requirements and acceptable course content. Such
5 recommendations shall not impose an undue burden on the
6 Department or an unreasonable restriction on those seeking
7 license renewal.

8 (8) The Board shall annually elect one of its members as
9 chairperson and one as vice chairperson.

10 (9) Members of the Board shall be reimbursed for all
11 authorized legitimate and necessary expenses incurred in
12 attending the meetings of the Board.

13 (10) A majority of the Board members currently appointed
14 shall constitute a quorum. A vacancy in the membership of the
15 Board shall not impair the right of a quorum to perform all of
16 the duties of the Board.

17 (11) Members of the Board shall have no liability in an
18 action based upon a disciplinary proceeding or other activity
19 performed in good faith as a member of the Board.

20 (Source: P.A. 90-150, eff. 12-30-97.)

21 (225 ILCS 20/7.3 new)

22 Sec. 7.3. Change of address. An applicant or licensee must
23 inform the Department of any change of address, and such
24 changes must be made either through the Department's website or
25 by contacting the Department's licensure maintenance unit.

1 (225 ILCS 20/9) (from Ch. 111, par. 6359)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 9. Qualification for clinical social worker license
4 ~~license~~. A person shall be qualified to be licensed as a
5 clinical social worker and the Department shall issue a license
6 authorizing the independent practice of clinical social work to
7 an applicant who:

8 (1) has applied in writing on the prescribed form;

9 (2) is of good moral character. In determining good moral
10 character, the Department may take into consideration whether
11 the applicant was engaged in conduct or actions that would
12 constitute grounds for discipline under this Act;

13 (3) (A) demonstrates to the satisfaction of the Department
14 that subsequent to securing a master's degree in social
15 work from an approved program the applicant has
16 successfully completed at least 3,000 hours of
17 satisfactory, supervised clinical professional experience;
18 or

19 (B) demonstrates to the satisfaction of the Department
20 that such applicant has received a doctor's degree in
21 social work from an approved program and has completed at
22 least 2,000 hours of satisfactory, supervised clinical
23 professional experience subsequent to the degree;

24 (4) has passed the examination for the practice of clinical
25 social work as authorized by the Department; and

1 (5) has paid the required fees.

2 (Source: P.A. 90-150, eff. 12-30-97.)

3 (225 ILCS 20/10.5)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 10.5. Unlicensed practice; violation; civil penalty.

6 (a) Any person who practices, offers to practice, attempts
7 to practice, or holds himself or herself out to practice as a
8 clinical social worker or social worker without being licensed
9 or exempt under this Act shall, in addition to any other
10 penalty provided by law, pay a civil penalty to the Department
11 in an amount not to exceed \$10,000 ~~\$5,000~~ for each offense, as
12 determined by the Department. The civil penalty shall be
13 assessed by the Department after a hearing is held in
14 accordance with the provisions set forth in this Act regarding
15 the provision of a hearing for the discipline of a licensee.

16 (b) The Department may investigate any actual, alleged, or
17 suspected unlicensed activity.

18 (c) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty. The
20 order shall constitute a judgment and may be filed and
21 execution had thereon in the same manner as any judgment from
22 any court of record.

23 (Source: P.A. 90-150, eff. 12-30-97.)

24 (225 ILCS 20/11) (from Ch. 111, par. 6361)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 11. Licenses.

3 (a) The expiration date and renewal period for each license
4 ~~A license shall be issued for a 2 year period; however the~~
5 ~~expiration date for licenses~~ issued under this Act shall be set
6 by rule. The licensee may renew a license during the 60-day
7 ~~30-day~~ period preceding its ~~the~~ expiration date by paying the
8 required fee and by demonstrating compliance with any
9 continuing education requirements. The Department shall adopt
10 rules establishing minimum requirements of continuing
11 education and means for verification of the completion of the
12 continuing education requirements. The Department may, by
13 rule, specify circumstances under which the continuing
14 education requirements may be waived. Proof of having met the
15 ~~minimum requirements of continuing education, as determined by~~
16 ~~rule, shall be required for all license renewals. Pursuant to~~
17 ~~rule, the continuing education requirements may, upon petition~~
18 ~~to the Board, be waived in whole or in part for licensed social~~
19 ~~workers or licensed clinical social workers who can demonstrate~~
20 ~~their service in the Coast Guard or Armed Forces during the~~
21 ~~period in question, an extreme hardship, or that the license~~
22 ~~was obtained by examination or endorsement within the preceding~~
23 ~~renewal period. The Department shall establish, by rule, a~~
24 ~~means for the verification of completion of the continuing~~
25 ~~education required by this Section. This verification may be~~
26 ~~accomplished by audits of records maintained by licensees, by~~

1 ~~requiring the filing of continuing education records with the~~
2 ~~Department or an organization selected by the Department to~~
3 ~~maintain these records, or by other means established by the~~
4 ~~Department.~~

5 (b) Any person who has permitted a license to expire or who
6 has a license on inactive status may have it restored by
7 submitting ~~making~~ an application to the Department and filing
8 proof of fitness, as defined by rule, to have the license
9 restored, including, if appropriate, evidence, ~~7~~ which is
10 satisfactory to the Department, ~~7~~ certifying the active practice
11 of clinical social work or social work in another jurisdiction
12 and by paying the required fee.

13 (b-5) If the person has not maintained an active practice
14 in another jurisdiction which is satisfactory to the
15 Department, the Department shall determine, ~~by an evaluation~~
16 ~~program recommended by the Board and established by rule,~~ the
17 person's fitness to resume active status ~~and the Department may~~
18 ~~require the person to pass an examination.~~ The Department, ~~with~~
19 ~~the recommendation of the Board,~~ may also require the person to
20 complete a specific period of evaluated clinical social work or
21 social work experience and may require successful completion of
22 an examination.

23 (b-7) Notwithstanding any other provision of this Act
24 ~~However,~~ any person whose license expired while on active duty
25 with the armed forces of the United States, while called into
26 service or training with the State Militia or in training or

1 education under the supervision of the United States government
2 prior to induction into the military service may have his or
3 her license restored without paying any renewal fees if, within
4 2 years after the honorable termination of that service,
5 training or education, except under conditions other than
6 honorable, the Department is furnished with satisfactory
7 evidence that the person has been so engaged and that the
8 service, training or education has been so terminated.

9 (c) A license to practice shall not be denied any applicant
10 because of the applicant's race, religion, creed, national
11 origin, political beliefs or activities, age, sex, sexual
12 orientation, or physical impairment. ~~Any person who notifies~~
13 ~~the Department, in writing on forms prescribed by the~~
14 ~~Department, may place his license on inactive status and shall~~
15 ~~be excused from the payment of renewal fees until the person~~
16 ~~notifies the Department in writing of his intention to resume~~
17 ~~active practice.~~

18 ~~Any person requesting that his license be changed from~~
19 ~~inactive to active status shall be required to pay the current~~
20 ~~renewal fee and shall also demonstrate compliance with the~~
21 ~~continuing education requirements.~~

22 (d) (Blank). ~~Any licensed clinical social worker or~~
23 ~~licensed social worker whose license is on inactive status~~
24 ~~shall not engage in the independent practice of clinical social~~
25 ~~work or in the practice of social work in the State of~~
26 ~~Illinois. If an individual engages in the independent practice~~

1 ~~of clinical social work or in the practice of social work while~~
2 ~~on inactive status, that individual is considered to be~~
3 ~~practicing without a license and is subject to the disciplinary~~
4 ~~provisions of this Act.~~

5 (e) (Blank).

6 (f) (Blank).

7 (g) The Department shall indicate on each license the
8 academic degree of the licensee.

9 (Source: P.A. 90-150, eff. 12-30-97.)

10 (225 ILCS 20/12.5)

11 (Section scheduled to be repealed on January 1, 2008)

12 Sec. 12.5. Endorsement. The Department may issue a license
13 as a clinical social worker or as a social worker, without the
14 required examination, to an applicant licensed under the laws
15 of another jurisdiction if the requirements for licensure in
16 that jurisdiction are, on the date of licensure, substantially
17 equivalent to the requirements of this Act or to any person
18 who, at the time of his or her licensure, possessed individual
19 qualifications that were substantially equivalent to the
20 requirements then in force in this State. An applicant under
21 this Section shall pay the required fees.

22 ~~Applicants have 3 years from the date of application to~~
23 ~~complete the application process. If the process has not been~~
24 ~~completed in 3 years, the application shall be denied, the fee~~
25 ~~shall be forfeited, and the applicant must reapply and meet the~~

1 ~~requirements in effect at the time of reapplication.~~

2 (Source: P.A. 90-150, eff. 12-30-97.)

3 (225 ILCS 20/14) (from Ch. 111, par. 6364)

4 (Section scheduled to be repealed on January 1, 2008)

5 Sec. 14. Checks or order to Department dishonored because
6 of insufficient funds. Any person who delivers a check or other
7 payment to the Department that is returned to the Department
8 unpaid by the financial institution upon which it is drawn
9 shall pay to the Department, in addition to the amount already
10 owed to the Department, a fine of \$50. The fines imposed by
11 this Section are in addition to any other discipline provided
12 under this Act for unlicensed practice or practice on a
13 nonrenewed license. The Department shall notify the person that
14 payment of fees and fines shall be paid to the Department by
15 certified check or money order within 30 calendar days of the
16 notification. If, after the expiration of 30 days from the date
17 of the notification, the person has failed to submit the
18 necessary remittance, the Department shall automatically
19 terminate the license or certificate or deny the application,
20 without hearing. If, after termination or denial, the person
21 seeks a license or certificate, he or she shall apply to the
22 Department for restoration or issuance of the license or
23 certificate and pay all fees and fines due to the Department.
24 The Department may establish a fee for the processing of an
25 application for restoration of a license or certificate to pay

1 all expenses of processing this application. The Secretary
2 ~~Director~~ may waive the fines due under this Section in
3 individual cases where the Secretary ~~Director~~ finds that the
4 fines would be unreasonable or unnecessarily burdensome.
5 (Source: P.A. 92-146, eff. 1-1-02.)

6 (225 ILCS 20/19) (from Ch. 111, par. 6369)

7 (Section scheduled to be repealed on January 1, 2008)

8 Sec. 19. Grounds for disciplinary action.

9 (1) The Department may refuse to issue, refuse to renew,
10 suspend, or revoke any license, or may place on probation,
11 censure, reprimand, or take other disciplinary or
12 non-disciplinary action deemed appropriate by the Department,
13 including the imposition of fines not to exceed \$10,000 ~~\$1,000~~
14 for each violation, with regard to any license issued under the
15 provisions of this Act for any one or a combination of the
16 following reasons:

17 (a) material misstatements of fact in furnishing
18 information to the Department or to any other State agency
19 or in furnishing information to any insurance company with
20 respect to a claim on behalf of a licensee or a patient;

21 (b) violations or negligent or intentional disregard
22 of this Act, or any of the rules promulgated hereunder;

23 (c) conviction of or entry of a plea of guilty or nolo
24 contendere to any crime that is a felony under the laws of
25 the United States or any state or territory thereof or that

1 is a ~~felony or~~ misdemeanor, of which an essential element
2 is dishonesty, or ~~of~~ any crime that ~~which~~ is directly
3 related to the practice of the clinical social work or
4 social work professions;

5 (d) making any misrepresentation for the purpose of
6 obtaining licenses, or violating any provision of this Act
7 or any of the rules promulgated hereunder;

8 (e) professional incompetence;

9 (f) malpractice;

10 (g) aiding or assisting another person in violating any
11 provision or this Act or any rules;

12 (h) failing to provide information within 30 ~~60~~ days in
13 response to a written request made by the Department;

14 (i) engaging in dishonorable, unethical or
15 unprofessional conduct of a character likely to deceive,
16 defraud or harm the public as defined by the rules of the
17 Department, or violating the rules of professional conduct
18 adopted by the Board and published by the Department;

19 (j) habitual or excessive use or addiction to alcohol,
20 narcotics, stimulants, or any other chemical agent or drug
21 that results in a clinical social worker's or social
22 worker's inability to practice with reasonable judgment,
23 skill, or safety;

24 (k) discipline by another jurisdiction, if at least one
25 of the grounds for the discipline is the same or
26 substantially equivalent to those set forth in this

1 Section;

2 (1) directly or indirectly giving to or receiving from
3 any person, firm, corporation, partnership or association
4 any fee, commission, rebate or other form of compensation
5 for any professional service not actually rendered;

6 (m) a finding by the Board that the licensee, after
7 having the license placed on probationary status, has
8 violated the terms of probation;

9 (n) abandonment, without cause, of a client;

10 (o) wilfully filing false reports relating to a
11 licensee's practice, including but not limited to false
12 records filed with Federal or State agencies or
13 departments;

14 (p) wilfully failing to report an instance of suspected
15 child abuse or neglect as required by the Abused and
16 Neglected Child Reporting Act;

17 (q) being named as a perpetrator in an indicated report
18 by the Department of Children and Family Services under the
19 Abused and Neglected Child Reporting Act, and upon proof by
20 clear and convincing evidence that the licensee has caused
21 a child to be an abused child or neglected child as defined
22 in the Abused and Neglected Child Reporting Act;

23 (r) physical illness, ~~or~~ mental illness, or any other
24 impairment or disability, including, but not limited to,
25 deterioration through the aging process, or loss of motor
26 ~~abilities and skills that which~~ results in the inability to

1 practice the profession with reasonable judgment, skill or
2 safety;

3 (s) solicitation of professional services by using
4 false or misleading advertising; or

5 (t) violation of the Health Care Worker Self-Referral
6 Act.

7 (2) (Blank).

8 (3) The determination by a court that a licensee is subject
9 to involuntary admission or judicial admission as provided in
10 the Mental Health and Developmental Disabilities Code, will
11 result in an automatic suspension of his license. Such
12 suspension will end upon a finding by a court that the licensee
13 is no longer subject to involuntary admission or judicial
14 admission and issues an order so finding and discharging the
15 patient, and upon the recommendation of the Board to the
16 Secretary ~~Director~~ that the licensee be allowed to resume
17 professional practice.

18 (4) The Department may refuse to issue or renew or may
19 suspend the license of a person who fails to file a return, pay
20 the tax, penalty, or interest shown in a filed return, or pay
21 any final assessment of tax, penalty, or interest, as required
22 by any tax Act administered by the Department of Revenue, until
23 the requirements of the tax Act are satisfied.

24 (5) In enforcing this Section, the Board upon a showing of
25 a possible violation may compel a person licensed to practice
26 under this Act, or who has applied for licensure or

1 certification pursuant to this Act, to submit to a mental or
2 physical examination, or both, as required by and at the
3 expense of the Department. The examining physicians shall be
4 those specifically designated by the Board. The Board or the
5 Department may order the examining physician to present
6 testimony concerning this mental or physical examination of the
7 licensee or applicant. No information shall be excluded by
8 reason of any common law or statutory privilege relating to
9 communications between the licensee or applicant and the
10 examining physician. The person to be examined may have, at his
11 or her own expense, another physician of his or her choice
12 present during all aspects of the examination. Failure of any
13 person to submit to a mental or physical examination, when
14 directed, shall be grounds for suspension of a license until
15 the person submits to the examination if the Board finds, after
16 notice and hearing, that the refusal to submit to the
17 examination was without reasonable cause.

18 If the Board finds a person unable to practice because of
19 the reasons set forth in this Section, the Board may require
20 that person to submit to care, counseling, or treatment by
21 physicians approved or designated by the Board, as a condition,
22 term, or restriction for continued, reinstated, or renewed
23 licensure to practice; or, in lieu of care, counseling or
24 treatment, the Board may recommend to the Department to file a
25 complaint to immediately suspend, revoke or otherwise
26 discipline the license of the person. Any person whose license

1 was granted, continued, reinstated, renewed, disciplined or
2 supervised subject to such terms, conditions or restrictions,
3 and who fails to comply with such terms, conditions, or
4 restrictions, shall be referred to the Secretary ~~Director~~ for a
5 determination as to whether the person shall have his or her
6 license suspended immediately, pending a hearing by the Board.

7 In instances in which the Secretary ~~Director~~ immediately
8 suspends a person's license under this Section, a hearing on
9 that person's license must be convened by the Board within 30
10 ~~45~~ days after the suspension and completed without appreciable
11 delay. The Board shall have the authority to review the subject
12 person's record of treatment and counseling regarding the
13 impairment, to the extent permitted by applicable federal
14 statutes and regulations safeguarding the confidentiality of
15 medical records.

16 A person licensed under this Act and affected under this
17 Section shall be afforded an opportunity to demonstrate to the
18 Board that he or she can resume practice in compliance with
19 acceptable and prevailing standards under the provisions of his
20 or her license.

21 (Source: P.A. 90-150, eff. 12-30-97.)

22 (225 ILCS 20/20) (from Ch. 111, par. 6370)

23 (Section scheduled to be repealed on January 1, 2008)

24 Sec. 20. Violations - Injunction - Cease and desist order.

25 1. If any person violates the provisions of this Act, the

1 Secretary ~~Director~~ may, in the name of the People of the State
2 of Illinois, through the Attorney General, petition for an
3 order enjoining such violation or for an order enforcing
4 compliance with this Act. Upon the filing of a verified
5 petition, the court with appropriate jurisdiction may issue a
6 temporary restraining order without notice or bond, and may
7 preliminarily and permanently enjoin such violation. If it is
8 established that such person has violated or is violating the
9 injunction, the court may punish the offender for contempt of
10 court. Proceedings under this Section shall be in addition to
11 all other remedies and penalties provided by this Act.

12 2. If any person shall hold herself or himself out as a
13 licensed clinical social worker or licensed social worker and
14 is not licensed under this Act, then any licensed clinical
15 social worker, licensed social worker, interested party or any
16 person injured thereby may petition for relief as provided in
17 subsection (1) of this Section.

18 3. Whenever, in the opinion of the Department, a person
19 violates any provision of this Act, the Department may issue a
20 rule to show cause why an order to cease and desist should not
21 be entered against such person. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall allow
23 at least 7 days from the date of the rule to file an answer
24 satisfactory to the Department. Failure to answer to the
25 satisfaction of the Department shall cause an order to cease
26 and desist to be issued.

1 (Source: P.A. 85-1131.)

2 (225 ILCS 20/21) (from Ch. 111, par. 6371)

3 (Section scheduled to be repealed on January 1, 2008)

4 Sec. 21. Investigations; notice and hearing. The
5 Department may investigate the actions of any applicant or of
6 any person holding or claiming to hold a license. The
7 Department shall, before refusing to issue or renew a license,
8 at least 30 days prior to the date set for the hearing, notify,
9 in writing, the applicant for, or holder of, a license of the
10 nature of the charges and that a hearing will be held on the
11 date designated. The Department shall direct the applicant or
12 licensee to file a written answer to the Board under oath
13 within 20 days after the service of the notice and inform the
14 applicant or licensee that failure to file an answer will
15 result in default being taken against the applicant or licensee
16 and that the license or certificate may be suspended, revoked,
17 placed on probationary status, or other disciplinary action may
18 be taken, including limiting the scope, nature or extent of
19 practice, as the Secretary ~~Director~~ may deem proper. Written
20 notice may be served by personal delivery or certified or
21 registered mail to the applicant or licensee at the applicant's
22 last address of record ~~the last notification to the Department.~~
23 In case the person fails to file an answer after receiving
24 notice, his or her license or certificate may, in the
25 discretion of the Department, be suspended, revoked, or placed

1 on probationary status, or the Department may take whatever
2 disciplinary action deemed proper, including limiting the
3 scope, nature, or extent of the person's practice or the
4 imposition of a fine, without a hearing, if the act or acts
5 charged constitute sufficient grounds for such action under
6 this Act. At the time and place fixed in the notice, the Board
7 shall proceed to hear the charges and the parties or their
8 counsel shall be accorded ample opportunity to present any
9 statements, testimony, evidence and argument as may be
10 pertinent to the charges or to their defense. The Board may
11 continue a hearing from time to time.

12 (Source: P.A. 87-1031.)

13 (225 ILCS 20/23) (from Ch. 111, par. 6373)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 23. Subpoenas - Depositions - Oaths. The Department
16 shall have the power to subpoena and to bring before it any
17 person and to take testimony either orally or by deposition, or
18 both, with the same fees and mileage and in the same manner as
19 prescribed in civil cases in the courts of this State.

20 The Secretary ~~Director~~, the designated hearing officer and
21 every member of the Board shall have power to administer oaths
22 to witnesses at any hearing which the Department is authorized
23 to conduct, and any other oaths authorized in any Act
24 administered by the Department.

25 (Source: P.A. 85-967.)

1 (225 ILCS 20/24) (from Ch. 111, par. 6374)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 24. Compelling Testimony. Any court, upon application
4 of the Department, designated hearing officer or the applicant
5 or licensee against whom proceedings under Section 19 ~~17~~ of
6 this Act are pending, may enter an order requiring the
7 attendance of witnesses and their testimony, and the production
8 of documents, papers, files, books and records in connection
9 with any hearing or investigation. The court may compel
10 obedience to its order by proceedings for contempt.

11 (Source: P.A. 85-967.)

12 (225 ILCS 20/25) (from Ch. 111, par. 6375)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 25. Findings and recommendations. At the conclusion of
15 the hearing the Board shall present to the Secretary ~~Director~~ a
16 written report of its findings of fact, conclusions of law and
17 recommendations. The report shall contain a finding whether or
18 not the licensee violated this act or failed to comply with the
19 conditions required in this Act. The Board shall specify the
20 nature of the violation or failure to comply, and shall make
21 its recommendations to the Secretary ~~Director~~.

22 The report of findings of fact, conclusions of law and
23 recommendation of the Board shall be the basis for the
24 Department's order or refusal or for the granting of the

1 license. If the Secretary ~~Director~~ disagrees with the
2 recommendations of the Board, the Secretary ~~Director~~ may issue
3 an order in contravention thereof. The Secretary ~~Director~~ shall
4 provide a written report to the Board on any disagreement and
5 shall specify the reasons for said action in the final order.
6 The finding is not admissible in evidence against the person in
7 a criminal prosecution brought for the violation of this Act,
8 but the hearing and findings are not a bar to a criminal
9 prosecution brought for the violation of this Act.

10 (Source: P.A. 85-967.)

11 (225 ILCS 20/26) (from Ch. 111, par. 6376)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 26. Board - Rehearing. In any case involving the
14 refusal to issue or to renew a license or to discipline a
15 licensee, a copy of the Board's report shall be served upon the
16 applicant or licensee by the Department, either personally or
17 by registered or certified mail or as provided in this Act for
18 the service of the notice of hearing. Within 20 days after such
19 service, the applicant or licensee may present to the
20 Department a motion in writing for a rehearing which shall
21 specify the particular grounds therefor. If no motion for a
22 rehearing is filed, then upon the expiration of the time
23 specified for filing such a motion, or if a motion for
24 rehearing is denied, then upon such denial, the Secretary
25 ~~Director~~ may enter an order in accordance with recommendations

1 of the Board, except as provided in Section 25 of this Act. ~~If~~
2 ~~the applicant or licensee requests and pays for a transcript of~~
3 ~~the record within the time for filing a motion for rehearing,~~
4 ~~the 20-day period within which such a motion may be filed shall~~
5 ~~commence upon the delivery of the transcript to the applicant~~
6 ~~or licensee.~~

7 (Source: P.A. 86-615.)

8 (225 ILCS 20/27) (from Ch. 111, par. 6377)

9 (Section scheduled to be repealed on January 1, 2008)

10 Sec. 27. Rehearing ~~Director;~~ rehearing. Whenever the
11 Secretary ~~Director~~ believes justice has not been done in the
12 revocation, suspension, or discipline of a license or refusal
13 to issue or renew a license, he or she may order a rehearing.

14 (Source: P.A. 90-150, eff. 12-30-97.)

15 (225 ILCS 20/28) (from Ch. 111, par. 6378)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 28. Appointment of a hearing officer. The Secretary
18 ~~Director~~ shall have the authority to appoint any attorney
19 licensed to practice law in the State of Illinois to serve as
20 the hearing officer in any action for refusal to issue or renew
21 a license or permit or to discipline a licensee. The Secretary
22 ~~Director~~ shall promptly notify the Board of any such
23 appointment. The hearing officer shall have full authority to
24 conduct the hearing. ~~At least one member of the Board shall~~

1 ~~attend each hearing.~~ The hearing officer shall report his
2 findings of fact, conclusions of law and recommendations to the
3 Board and to the Secretary Director. Upon receipt of the
4 report, the ~~The~~ Board shall ~~have at least 60 days after receipt~~
5 ~~of the report to~~ review it and ~~to~~ present its findings of fact,
6 conclusions of law and recommendation to the Secretary
7 ~~Director~~. If the Board does not present its report ~~within the~~
8 ~~60 days period,~~ the Secretary Director may issue an order based
9 on the report of the hearing officer. If the Secretary Director
10 disagrees with the recommendation of the Board or of the
11 hearing officer, the Secretary Director may issue an order in
12 contravention of the Board's report. The Secretary Director
13 shall promptly provide a written explanation to the Board on
14 any such disagreement, and shall specify the reasons for such
15 action in the final order.

16 (Source: P.A. 90-150, eff. 12-30-97.)

17 (225 ILCS 20/29) (from Ch. 111, par. 6379)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 29. Order or certified copy thereof - prima facie
20 proof. An order or a certified copy thereof, over the seal of
21 the Department and purporting to be signed by the Secretary
22 ~~Director~~, shall be prima facie proof that:

23 (1) Such signature is the genuine signature of the
24 Secretary Director;

25 (2) Such Secretary Director is duly appointed and

1 qualified; and

2 (3) The Board and the members thereof are qualified to act.

3 (Source: P.A. 85-967.)

4 (225 ILCS 20/32) (from Ch. 111, par. 6382)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 32. Temporary suspension of a license. The Secretary
7 ~~Director~~ may temporarily suspend the license of a licensed
8 clinical social worker or licensed social worker without a
9 hearing simultaneously with the institution of proceedings for
10 a hearing provided for in Section 21 of this Act if the
11 Secretary ~~Director~~ finds conclusive evidence indicating that a
12 licensee's continuation in practice would constitute an
13 imminent danger to the public. In the event the Secretary
14 ~~Director~~ temporarily suspends such license without a hearing, a
15 hearing by the Board shall be held within 30 days after such
16 suspension has occurred.

17 (Source: P.A. 85-1131.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.